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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 NATIONAL LAWYERS' GUILD SAN  
14 FRANCISCO CHAPTER, et al.,

15 Plaintiffs,

16 v.

17 U.S. DEPARTMENT OF HOMELAND  
18 SECURITY, et al.,

19 Defendants.  
20 \_\_\_\_\_/

No. C 08-5137 RS

**STIPULATION TO EXTEND TIME  
TO FILE BILL OF COSTS AND/OR  
MOTION FOR ATTORNEY'S FEES;  
AND [~~PROPOSED~~] ORDER**

21 WHEREAS, in an effort to narrow the issues before the Court,

22 1. Beginning in April 2009, the parties entered into a series of stipulations to stay  
23 proceedings to allow Defendants to conduct secondary searches and process potentially responsive  
24 records, and to allow the parties to confer in an effort to resolve Plaintiffs' claims without the  
25 Court's intervention. As a result of those negotiations, in October 2009, the parties filed a  
26 stipulation of dismissal of this action with prejudice under Rule 41(a)(1)(A)(ii) with respect to  
27 Defendants DHS, DHS-OIG, and CIS. After further negotiations resolved all remaining merits  
28 issues, on June 29, 2011, the parties filed a stipulation of dismissal of this action with prejudice

1 under Rule 41(a)(1)(A)(ii) with respect to all remaining Defendants. At that time, the parties had  
2 begun to discuss whether an award of fees and costs was appropriate in this case. On June 30, 2011,  
3 the Court approved the parties' stipulation to extend the deadline for Plaintiffs to file any bill of  
4 costs and/or motion for attorney's fees by approximately three months, to September 30, 2011, to  
5 permit those negotiations to continue; and

6 2. The parties continue to actively discuss whether an award of attorney's fees and costs  
7 is appropriate and, to that end, have exchanged a series of proposals to resolve the issue without the  
8 Court's intervention. While Defendants do not concede that Plaintiffs are entitled to recover any  
9 fees or costs in this case, and reserve all rights to oppose any bill of costs or motion for attorney's  
10 fees, they are carefully considering this issue. Although further negotiation may eliminate the need  
11 for judicial resolution of any dispute over fees or costs, the parties anticipate that it will take several  
12 months for their negotiations to conclude; and

13 WHEREAS it would minimize litigation costs and conserve judicial resources to permit the  
14 parties to attempt to resolve any dispute over fees or costs without the Court's intervention,

15 IT IS HEREBY AGREED AND STIPULATED by and between the parties, through  
16 undersigned counsel, subject to the approval of the Court, that the deadline for Plaintiffs to file any  
17 bill of costs and/or motion for attorney's fees shall be extended by approximately two months, to  
18 November 30, 2011, notwithstanding any local rule to the contrary.

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1 Dated: September 28, 2011

2 Respectfully submitted,

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### 22 SIGNATURE ATTESTATION

20 In accordance with General Order 45(X), I hereby attest that I have obtained Lisa A. Davis's  
 21 concurrence in the filing of this document.

/s/ Eric B. Beckenhauer  
 ERIC B. BECKENHAUER

### 23 ~~[PROPOSED]~~ ORDER

24 Pursuant to stipulation, it is hereby **ORDERED** that the deadline for Plaintiffs to file any  
 25 bill of costs and/or motion for attorney's fees shall be extended to November 30, 2011,  
 notwithstanding any local rule to the contrary.

**SO ORDERED.**

26 Dated: 9/29/11

  
 RICHARD SEEBORG  
 United States District Judge